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SENATE BILL 821

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

ROMAN M MAES III

AN ACT

RELATING TO MOTOR TRANSPORTATION; REORGANIZING THE MOTOR  
TRANSPORTATION DIVISION; PROVIDING POWERS AND DUTIES; PROVIDING  
FOR REGISTRATION OF COMMERCIAL MOTOR VEHICLES OPERATING WITHOUT  
REGISTRATION; AMENDING AND REPEALING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 65-1-2 NMSA 1978 (being Laws 1978,  
Chapter 19, Section 1, as amended) is amended to read:

"65-1-2. DEFINITIONS. --As used in the Motor Transportation  
Act:

A. "combination" means any connected assemblage of a  
motor vehicle and one or more semitrailers, trailers or  
semitrailers converted to trailers by means of a converter gear;

B. "combination gross vehicle weight" means the sum  
total of the gross vehicle weights of all units of a

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1 combination;

2 C. "commercial motor carrier vehicle" means any  
3 motor vehicle with a gross vehicle weight of twelve thousand  
4 pounds or more used or reserved for use in the transportation of  
5 persons or property for hire, compensation or profit or in the  
6 furtherance of a commercial enterprise or any vehicle designed,  
7 used or maintained primarily for the transportation of property  
8 or for drawing other vehicles so designed, used or maintained;

9 D. "converter gear" means any assemblage of one or  
10 more axles with a fifth wheel mounted thereon designed for use  
11 in a combination to support the front end of a semitrailer, but  
12 not permanently attached thereto. A "converter gear" shall not  
13 be considered a vehicle as that term is used in Chapter 66 NMSA  
14 1978, but weight attributable thereto shall be included in  
15 declared gross weight;

16 E. "declared gross weight" means maximum gross  
17 vehicle weight or combination gross vehicle weight at which a  
18 vehicle or combination will be operated during the registration  
19 period as declared by the registrant for registration and fee  
20 purposes. The vehicle or combination shall have only one  
21 "declared gross weight" for all operating considerations;

22 F. "department", without modification, means the  
23 taxation and revenue department, the secretary of taxation and  
24 revenue or any employee of the department exercising authority  
25 lawfully delegated to that employee by the secretary;

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1           G. "director" means the [secretary] director of the  
2 division;

3           H. "division" [or] means the motor transportation  
4 division [~~means the department~~];

5           I. "evidence of registration" means any  
6 documentation issued by the department identifying a motor  
7 carrier vehicle as being registered with New Mexico or  
8 documentation issued by another state pursuant to the terms of a  
9 multistate agreement on registration of vehicles to which this  
10 state is a party identifying a motor carrier vehicle as being  
11 registered with that state; provided that evidence of payment of  
12 the weight distance tax and permits obtained under either the  
13 Special Fuels Supplier Tax Act or Trip Tax Act are not "evidence  
14 of registration";

15           J. "field enforcement activity" or "in the field"  
16 means patrolling of the highway, stopping of commercial motor  
17 carrier vehicles or establishing ports of entry and roadblocks  
18 for the purpose of checking motor carriers and includes similar  
19 activities;

20           K. "fleet" means one or more motor carrier vehicles,  
21 either commercial or noncommercial but not mixed, that are  
22 operated in this and at least one other jurisdiction;

23           L. "freight trailer" means any trailer, semi trailer  
24 or pole trailer drawn by a truck tractor or road tractor and any  
25 trailer, semi trailer or pole trailer drawn by a truck that has a

1 gross vehicle weight of more than twenty-six thousand pounds,  
2 but the term does not include house trailers, trailers of less  
3 than one-ton carrying capacity used to transport animals or  
4 fertilizer trailers of less than three thousand five hundred  
5 pounds empty weight;

6 M "gross vehicle weight" means the weight of a  
7 vehicle without load plus the weight of any load thereon;

8 N. "inspector" means an employee of the division who  
9 has completed basic law enforcement training and has been  
10 certified as a police officer;

11 [~~N.~~] O. "motor carrier" means any person or firm  
12 that owns, controls, operates or manages any commercial motor  
13 carrier vehicle [~~with gross vehicle weight of twelve thousand~~  
14 ~~pounds or more that is used to transport persons or property on~~  
15 ~~the public highways of this state];~~

16 [~~O.~~] P. "motor vehicle" means any vehicle or device  
17 that is propelled by an internal combustion engine or electric  
18 motor power that is used or may be used on the public highways  
19 for the purpose of transporting persons or property and includes  
20 any connected trailer or semitrailer;

21 [~~P.~~] Q. "one-way rental fleet" means two or more  
22 vehicles each having a gross vehicle weight of under twenty-six  
23 thousand one pounds and rented to the public without a driver;

24 [~~O.~~] R. "person" means any individual, estate,  
25 trust, receiver, cooperative association, club, corporation,

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1 company, firm, partnership, joint venture, syndicate or other  
2 association; "person" also means, to the extent permitted by  
3 law, any federal, state or other governmental unit or  
4 subdivision or an agency, department or instrumentality thereof;  
5 "person" also includes an officer or employee of a corporation,  
6 a member or employee of a partnership or any individual who, as  
7 such, is under a duty to perform any act in respect of which a  
8 violation occurs;

9 [R-] S. "preceding year" means a period of twelve  
10 consecutive months fixed by the department, which period is  
11 within the sixteen months immediately preceding the commencement  
12 of the registration or license year for which proportional  
13 registration is sought. The department, in fixing that period,  
14 shall make it conform to the terms, conditions and requirements  
15 of any applicable agreement or arrangement for the proportional  
16 registration of vehicles;

17 [S-] T. "properly registered" means bearing the  
18 lawfully issued and currently valid evidence of registration of  
19 this or another jurisdiction, regardless of the owner's  
20 residence, except in those cases where the evidence has been  
21 procured by misrepresentation or fraud;

22 [T-] U. "public highway" means every way or place  
23 generally open to the use of the public as a matter of right for  
24 the purpose of vehicular travel, even though it may be  
25 temporarily closed or restricted for the purpose of

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1 construction, maintenance, repair or reconstruction;

2 [U-] V. "secretary" means the secretary of taxation  
3 and revenue and [except for the purposes of Sections 65-1-10 and  
4 65-1-33 NMSA 1978] also includes the deputy secretary and [any  
5 division] the director [~~delegated by the secretary~~];

6 [V-] W. "state" or "jurisdiction" means a state,  
7 territory or possession of the United States, the District of  
8 Columbia, the commonwealth of Puerto Rico, a foreign country or  
9 a state or province of a foreign country; and

10 [W-] X. "utility trailer" means any trailer,  
11 semitrailer or pole trailer and includes house trailers that  
12 exceed neither eight feet in width nor forty feet in length, but  
13 does not include freight trailers, trailers of less than one-ton  
14 carrying capacity used to transport animals or fertilizer  
15 trailers of less than three thousand five hundred pounds empty  
16 weight. "

17 Section 2. Section 65-1-7 NMSA 1978 (being Laws 1967,  
18 Chapter 97, Section 9, as amended) is amended to read:

19 "65-1-7. [~~ENFORCEMENT EMPLOYEES OF DEPARTMENT~~]  
20 INSPECTORS - POWERS. -- [~~The enforcement employees designated by~~  
21 ~~the department~~]

22 A. The division is a law enforcement agency. All  
23 supervisors of inspectors shall also be trained and certified as  
24 police officers.

25 B. Inspectors have all the powers of peace officers

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1 in all cities, towns, villages and counties in New Mexico with  
2 respect to the Motor Transportation Act, regulations ~~[under]~~  
3 promulgated pursuant to that act and any other law or regulation  
4 regarding commercial motor carrier vehicles, the operation of  
5 commercial motor carrier vehicles or the operators, passengers  
6 or cargoes of commercial motor carrier vehicles that the  
7 department is empowered to administer or enforce. In addition,  
8 ~~[the enforcement employees designated by the department]~~  
9 inspectors have all the powers of peace officers in all cities,  
10 towns, villages and counties with respect to ~~[the Controlled~~  
11 ~~Substances Act, the Drug Precursor Act, Sections 7-1-74, 7-1-75,~~  
12 ~~30-22-1 through 30-22-5, 30-22-10, 30-22-21 through 30-22-26,~~  
13 ~~30-24-1 and 30-24-2]~~ Chapter 30 NMSA 1978 when violations of  
14 these provisions are committed in connection with the operation  
15 or control of commercial motor vehicles or in ~~[a designated~~  
16 ~~enforcement employee's]~~ an inspector's presence.

17 C. The department shall perform background  
18 investigations on all applicants for inspector positions to  
19 verify suitability for the position. Inspectors shall take the  
20 oath of office required of all state officials.

21 D. Motor carrier safety specialists assigned to  
22 ports of entry and field enforcement activities are not police  
23 officers, but shall meet all certification requirements  
24 pertaining to commercial vehicle and driver safety inspections  
25 pursuant to the Motor Carrier Safety Act."

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1           Section 3. Section 65-1-9 NMSA 1978 (being Laws 1967,  
2 Chapter 97, Section 11, as amended) is amended to read:

3           "65-1-9. ~~[DEPARTMENT]~~ DIVISION TO ENFORCE LAWS. --

4           A. The ~~[department]~~ division shall enforce and  
5 collect all excise taxes, license fees and other fees and  
6 charges of every nature and perform all inspections and collect  
7 all information considered necessary to enforce the laws of all  
8 departments, commissions and other agencies of state government,  
9 in addition to those specifically assigned by law to the  
10 ~~[department]~~ division, whenever the ~~[department]~~ division is so  
11 requested and agrees and the agreement is in writing containing  
12 all reasonable detail concerning the responsibilities of the  
13 parties to the agreement. ~~[The department shall also assist, as  
14 far as practicable and in accordance with a proper written  
15 agreement, in the enforcement of statutory, administrative and  
16 judicial provisions of the federal Motor Carrier Act.  
17 Enforcement employees of the department shall be considered to  
18 have the same powers as the enforcement officers of the  
19 department, commission or other agency having the primary  
20 responsibility.]~~

21           B. The division consists of:

22                   (1) the "headquarters bureau", which consists  
23 of the director's office and motor carrier safety programs;

24                   (2) the "port of entry operations bureau"; and

25                   (3) the "field operations bureau"."

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1           Section 4.   Section 65-1-11 NMSA 1978 (being Laws 1967,  
2 Chapter 97, Section 13, as amended) is amended to read:

3           "65-1-11.   PORTS OF ENTRY. -- The ~~[department shall designate~~  
4 ~~the main highways upon which motor carriers shall enter and~~  
5 ~~leave the state and shall designate stations or establish~~  
6 ~~places]~~ division, in conjunction with the state highway and  
7 transportation department, may establish ports of entry or field  
8 enforcement activity areas, either temporary or permanent, where  
9 inspection, registration and permit services shall be  
10 maintained. The state highway and transportation department  
11 shall provide the necessary right-of-way, approach roads, ramps,  
12 inspection facilities and other road facilities required by the  
13 ~~[department for places established after June 17, 1967]~~  
14 division. "

15           Section 5.   Section 65-1-12 NMSA 1978 (being Laws 1978,  
16 Chapter 18, Section 1, as amended) is amended to read:

17           "65-1-12.   MOTOR CARRIERS REQUIRED TO REGISTER WITH THE  
18 DEPARTMENT. --

19           A. All motor carriers desiring and eligible for  
20 annual registration provisions relating to proportional  
21 registration or full reciprocity shall register their vehicles  
22 with the department. The department shall register all motor  
23 carriers who satisfy all New Mexico requirements relating to  
24 motor carriers, but ~~[after September 30, 1984]~~ may refuse to  
25 register any vehicle subject to the federal heavy vehicle use

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1 tax imposed by Section 4481 of the United States Internal  
2 Revenue Code of 1986 without proof of payment of such tax in the  
3 form prescribed by the secretary of the treasury of the United  
4 States. Registration of motor carrier vehicles with the  
5 department shall remain in force during the calendar  
6 registration year as specified in Section 65-1-13 NMSA 1978  
7 unless suspended or canceled by the department for noncompliance  
8 with any New Mexico motor vehicle or motor carrier requirements.

9 B. In addition to the provisions of Subsection A of  
10 this section, motor carriers operating vehicles subject to the  
11 weight distance tax pursuant to the Weight Distance Tax Act or  
12 vehicles subject to special fuel user permit requirements  
13 pursuant to the Special Fuels Supplier Tax Act shall apply for a  
14 tax identification card.

15 C. A commercial motor carrier vehicle required to be  
16 registered pursuant to this section and operated and moved on  
17 the highways of this state in violation of this section shall be  
18 deemed to be operated or moved as unregistered and shall  
19 immediately be subject to the regular registration fees and  
20 penalties as prescribed by law for such vehicle.

21 D. A person who is apprehended for operating an  
22 unregistered commercial motor carrier vehicle or a commercial  
23 motor carrier vehicle with expired registration shall be subject  
24 to the penalties provided in Section 65-1-36 NMSA 1978. In  
25 addition, the person shall be required to purchase New Mexico

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1 registration and pay a penalty equal to twenty percent of the  
2 prescribed fee in Section 66-6-3 NMSA 1978."

3 Section 6. Section 65-1-36 NMSA 1978 (being Laws 1978,  
4 Chapter 16, Section 1, as amended) is amended to read:

5 "65-1-36. PENALTY FOR VIOLATIONS OF ACT. --

6 A. Violation of any section [~~65-1-12 or 65-5-2 NMSA~~  
7 ~~1978]~~ of the Motor Transportation Act, except the Motor Carrier  
8 Safety Act, is a misdemeanor punishable by a fine of not less  
9 than one hundred dollars (\$100) or more than five hundred  
10 dollars (\$500) or imprisonment not exceeding ninety days or by  
11 both the fine and imprisonment or is subject to the penalty  
12 assessment and fee provisions of Sections 66-8-116 through  
13 66-8-116.3 NMSA 1978.

14 [~~B. Violation of any section of the Motor~~  
15 ~~Transportation Act other than a violation of Section 65-1-12,~~  
16 ~~65-1-26, 65-1-36.1 or 65-5-2 NMSA 1978 or of the Motor Carrier~~  
17 ~~Safety Act is a misdemeanor punishable by a fine of not more~~  
18 ~~than one hundred dollars (\$100) or by imprisonment not exceeding~~  
19 ~~thirty days or by both the fine and imprisonment or is subject~~  
20 ~~to the penalty assessment and fee provisions pursuant to~~  
21 ~~Sections 66-8-116 through 66-8-116.3 NMSA 1978.~~

22 C.] B. The payment of a fine under the provisions of  
23 any act under the jurisdiction of the [department] division  
24 pursuant to the Motor Transportation Act shall not relieve the  
25 offender from the payment of any fees or taxes or from any other

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1 of the provisions of the Motor Transportation Act.

2           ~~[D-]~~ C. The ~~[department]~~ division may also, for the  
3 proper enforcement of the duties imposed upon the ~~[department]~~  
4 division pursuant to the Motor Transportation Act, detain any  
5 motor vehicle whose operator or owner is in violation of any law  
6 the ~~[department]~~ division is empowered under the Motor  
7 Transportation Act to administer or enforce. "

8           Section 7. Section 65-3-4 NMSA 1978 (being Laws 1989,  
9 Chapter 201, Section 5, as amended) is amended to read:

10           "65-3-4. ~~[REGULATIONS—]INSPECTIONS. -- [A.—The secretary~~  
11 ~~is directed to adopt in accordance with Section 65-1-10 NMSA~~  
12 ~~1978 necessary rules and regulations under the Motor Carrier~~  
13 ~~Safety Act as they apply to motor carrier safety.—Such rules~~  
14 ~~and regulations shall not be inconsistent with or more stringent~~  
15 ~~than applicable federal safety standards.~~

16           ~~B.—The department is authorized to]~~ The division may  
17 inspect at the motor carrier's place of business those safety  
18 records required to be retained by the motor carrier pursuant to  
19 the provisions of the Motor Carrier Safety Act. Only inspectors  
20 and other persons certified by the director to conduct motor  
21 carrier safety inspections are authorized to enter upon and  
22 perform inspections of commercial motor carrier vehicles."

23           Section 8. Section 65-5-1 NMSA 1978 (being Laws 1943,  
24 Chapter 125, Section 8, as amended) is amended to read:

25           "65-5-1. VEHICLES TO STOP AT PORTS OF ENTRY--INFORMATION--

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INSPECTION. --

A. All commercial motor carrier vehicles, as defined in the Motor Transportation Act, ~~[must enter, leave or travel through the state on designated highways and]~~ shall stop at ~~[every port of entry]~~ ports of entry or field enforcement activity sites as designated by the division for ~~[manifesting and clearance stickers]~~ inspection, weighing and verification of registration and taxation compliance

B. The operators of any motor vehicles described in Subsection A of this section shall, upon request, ~~[make out and]~~ deliver to the ~~[agent]~~ employee of the division a manifest showing that part of the following information requested:

- (1) the name of the owner of the vehicle;
- (2) the name of the operator or driver;
- (3) the name of the forwarding or other company in whose service the vehicle is licensed;
- (4) the license number;
- ~~[(5) the state in which the vehicle has been granted a common or contract motor carrier permit, if any, and the number of the permit]~~
- (5) the single state registration certificate required pursuant to Section 65-2-115.1 NMSA 1978
- (6) the engine number;
- (7) the serial number of the vehicle;
- (8) a description of the vehicle;

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- 1 (9) the point of origin of the shipment;  
2 (10) the ultimate destination of the shipment;  
3 (11) the gross vehicle weight of the vehicle  
4 and cargo;  
5 (12) the factory list capacity or the actual  
6 capacity if rebuilt;  
7 (13) the number of taxable miles to be traveled  
8 within the state; and  
9 (14) the nature, amount and coverage of all  
10 public liability and other insurance carried upon the vehicle  
11 and upon the cargo thereon.

12 C. The operator of the vehicle shall declare upon  
13 the manifest the name and number of the highways which he  
14 intends to use within the state and the place where he intends  
15 to leave the state if the point of final destination is outside  
16 the state. [~~The manifest shall be signed by the operator and~~  
17 ~~filed with the person in charge of the port of entry.~~] The  
18 operator of the vehicle shall present for inspection to the  
19 [~~person in charge of the port of entry~~] division employee a copy  
20 of the billing or invoice describing the contents of the cargo  
21 and the weight of the cargo.

22 [~~C. The person in charge of the port of entry~~] D.  
23 Inspectors and other division employees may verify the  
24 information contained upon the billing or invoice and shall  
25 check the license, permit, engine and serial numbers, weight and

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1 description of the vehicle. The ~~[person]~~ employee shall inspect  
2 the vehicle and ascertain whether it is in safe and road-worthy  
3 condition, properly equipped with all lights, brakes and other  
4 appliances required by any statute of this state, in such  
5 condition as to be safe for operation upon the public highways  
6 of this state.

7 ~~[D.]~~ E. The ~~[person in charge of the port of entry]~~  
8 division employee may satisfy himself as to the contents of the  
9 cargo and, the weight thereof and is authorized to interview  
10 operators to obtain information in respect thereto and, if in  
11 doubt as to the declared gross weight, may order the cargo  
12 weighed before ~~[issuing any clearance certificate for the motor~~  
13 ~~vehicle]~~ allowing the vehicle to proceed

14 ~~[E.]~~ F. The ~~[person in charge of the port of entry]~~  
15 division employee may inspect the contents of the vehicle to  
16 determine whether all taxes on gasoline and motor fuel and  
17 excise taxes on alcoholic liquors and all taxes on any other  
18 property have been fully paid.

19 ~~[F.]~~ G. The ~~[person in charge of the port of entry]~~  
20 division employee may inspect the vehicle and its contents to  
21 determine whether all laws and all rules and regulations  
22 pertaining to cargo securement and hazardous materials and all  
23 laws, rules and regulations of the departments of this state  
24 with respect to public safety, health, welfare and comfort have  
25 been fully complied with. "

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1 Section 9. Section 65-5-3 NMSA 1978 (being Laws 1943,  
2 Chapter 125, Section 10, as amended) is amended to read:

3 "65-5-3. CLEARANCE CERTIFICATES--TYPES OF CARRIERS. --After  
4 inspection of the commercial motor vehicle, [~~and related~~  
5 ~~documentation and any necessary registration, clearance~~  
6 ~~certificates or special permits may be issued by the department~~  
7 ~~for] load, driver's documentation and necessary registration,  
8 the division shall release the vehicle for which the following  
9 has been demonstrated:~~

10 A. the commercial motor carrier [~~vehicles operating~~]  
11 vehicle is in compliance with the provisions of the Motor  
12 Carrier Act when:

13 (1) all taxes and registration fees required by  
14 the laws of this state upon the vehicles and contents of the  
15 vehicles have been paid and all other laws and rules and  
16 regulations of departments of this state applicable to the  
17 vehicles and contents have been complied with; and

18 (2) the operator or owner of the vehicle is not  
19 in default or delinquent in the payment of any tax, the filing  
20 of any report or the observance of any requirements of the Motor  
21 Carrier Act;

22 [~~B. commercial motor carrier vehicles classified and~~  
23 ~~designated in law as exempt when:~~

24 (1) ~~all taxes required by the laws of this~~  
25 ~~state upon the contents of the vehicles have been paid and all~~

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1 ~~other laws and rules and regulations of departments of this~~  
2 ~~state applicable to the contents have been complied with; and~~

3 ~~(2)]~~ B. the ~~[vehicles have]~~ vehicle has been  
4 registered in this state or another state and evidence of  
5 registration, including proper display of registration plates,  
6 required by the laws of this state is provided; and

7 ~~[C. commercial motor carrier vehicles not registered~~  
8 ~~or licensed in this state that are transporting passengers for~~  
9 ~~hire or property for hire or resale when:~~

10 ~~(1) all taxes and registration fees required by~~  
11 ~~the laws of this state upon the vehicles and contents of the~~  
12 ~~vehicles have been paid and all other laws and rules and~~  
13 ~~regulations of departments of this state applicable to the~~  
14 ~~vehicles and contents have been complied with;~~

15 ~~(2)]~~ C. the vehicle is properly covered by  
16 liability insurance in accordance with the provisions of the  
17 Motor Carrier Act and the regulations of the state corporation  
18 commission [~~and~~

19 ~~(3) the trip tax has been fully paid; and~~

20 ~~D. commercial motor carrier vehicles not registered~~  
21 ~~or licensed in this state that are transporting property not for~~  
22 ~~hire or resale when:~~

23 ~~(1) all taxes required by the laws of this~~  
24 ~~state upon the contents of the vehicles have been paid and all~~  
25 ~~other laws, rules and regulations applicable to such contents~~

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1 ~~have been complied with; and~~

2 ~~(2) the trip tax has been fully paid]. "~~

3 Section 10. Section 66-6-4 NMSA 1978 (being Laws 1978,  
4 Chapter 35, Section 339, as amended by Laws 1994, Chapter 117,  
5 Section 20 and also by Laws 1994, Chapter 126, Section 20) is  
6 amended to read:

7 "66-6-4. REGISTRATION FEES--TRUCKS, TRUCK TRACTORS, ROAD  
8 TRACTORS AND BUSES. --

9 A. Within their respective jurisdictions, the motor  
10 vehicle and motor transportation divisions shall charge  
11 registration fees for trucks, truck tractors, road tractors and  
12 buses, except as otherwise provided by law, according to the  
13 schedule of Subsection B of this section.

14	B. Declared Gross Weight	Fee
15	001 to 4,000	\$ 30
16	4,001 to 6,000	41
17	6,001 to 8,000	52
18	8,001 to 10,000	63
19	10,001 to 12,000	74
20	12,001 to 14,000	85
21	14,001 to 16,000	96
22	16,001 to 18,000	107
23	18,001 to 20,000	118
24	20,001 to 22,000	129
25	22,001 to 24,000	140

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1	24,001 to 26,000	151
2	26,001 to 48,000	88.50
3	48,001 and over	129.50.

4           C. A vehicle required to be registered pursuant to  
5 Section 65-1-12 NMSA 1978 that is being operated and moved on  
6 the highways of this state without proof of registration shall  
7 be deemed to be unregistered, and it shall immediately be  
8 subject to the registration fees and penalties as prescribed by  
9 law for the vehicle.

10           ~~[C.]~~ D. All trucks whose declared gross weight or  
11 whose gross vehicle weight is less than twenty-six thousand  
12 pounds, after five years of registration, calculated from the  
13 date when the vehicle was first registered in this or another  
14 state, shall be charged registration fees at eighty percent of  
15 the rate set out in Subsection B of this section.

16           ~~[D.]~~ E. All trucks with a gross vehicle weight of  
17 more than ~~[twenty-six]~~ ten thousand pounds and all truck  
18 tractors and road tractors used to tow freight trailers shall be  
19 registered on the basis of combination gross vehicle weight.

20           ~~[E.]~~ F. ~~[All trucks with a gross vehicle weight of~~  
21 ~~twenty-six thousand pounds or less shall be registered on the~~  
22 ~~basis of gross vehicle weight.]~~ Any trailer, semi trailer or  
23 pole trailer towed by a truck ~~[of such]~~ having a gross vehicle  
24 weight of twenty-six thousand pounds or less shall be classified  
25 as a utility trailer for registration purposes unless otherwise

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1 provided by law.

2           ~~[F-]~~ G. All farm vehicles having a declared gross  
3 weight of more than six thousand pounds shall be charged  
4 registration fees of two-thirds of the rate of the respective  
5 fees provided in this section and shall be issued distinctive  
6 registration plates. "Farm vehicle" means any vehicle owned by  
7 a person whose principal occupation is farming or ranching and  
8 which vehicle is used principally in the transportation of farm  
9 and ranch products to market and farm and ranch supplies and  
10 livestock from the place of purchase to farms and ranches in  
11 this state; provided that the vehicle is not used for hire.

12           ~~[G-]~~ H. In addition to other registration fees  
13 imposed by this section, beginning July 1, 1994, there is  
14 imposed at the time of registration an annual tire recycling fee  
15 of one dollar (\$1.00) on each vehicle subject to a registration  
16 fee pursuant to this section, except for vehicles with a  
17 declared gross weight of greater than twenty-six thousand pounds  
18 upon which registration fees are imposed by Subsection B of this  
19 section.

20           ~~[H-]~~ I. Four percent of registration fees of trucks  
21 having a declared gross weight from twenty-six thousand one  
22 pounds to forty-eight thousand pounds declared gross vehicle  
23 weight is to be transferred to the tire recycling fund pursuant  
24 to the provisions of Section 66-6-23 NMSA 1978.

25           ~~[I-]~~ J. Five percent of registration fees of trucks

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1 in excess of forty-eight thousand pounds declared gross vehicle  
2 weight is to be transferred to the tire recycling fund pursuant  
3 to the provisions of Section 66-6-23 NMSA 1978. "

4 Section 11. TEMPORARY PROVISION--ELIMINATION OF PORT  
5 REVENUE AGENT POSITION.--All port revenue agents shall meet the  
6 requirements for motor carrier safety specialists by July 1,  
7 1998. On that date, the position of port revenue agent is  
8 abolished.

9 Section 12. REPEAL.--Sections 65-1-13 through 65-1-22,  
10 65-1-24, 65-1-30, 65-1-32 through 65-1-33, 65-1-35 and 65-1-37  
11 NMSA 1978 (being Laws 1978, Chapter 17, Section 1, Laws 1972,  
12 Chapter 7, Sections 34 through 42, Laws 1978, Chapter 75,  
13 Section 1, Laws 1967, Chapter 97, Section 40, Laws 1972, Chapter  
14 7, Section 47, Laws 1989, Chapter 319, Section 3, Laws 1972,  
15 Chapter 7, Section 48, Laws 1967, Chapter 97, Section 44 and  
16 Laws 1972, Chapter 7, Section 50, as amended) are repealed.

17 Section 13. EFFECTIVE DATE.--The effective date of the  
18 provisions of this act is July 1, 1997.

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FORTY-THIRD LEGISLATURE

FIRST SESSION, 1997

SB 821/a

February 26, 1997

Mr. President:

Your CORPORATIONS & TRANSPORTATION COMMITTEE, to  
whom has been referred

SENATE BILL 821

has had it under consideration and reports same with  
recommendation that it DO PASS, amended as follows:

1. On page 9, line 19, strike "desiring and".
2. On page 9, line 21, after "their" insert "commercial motor  
carrier".
3. On page 9, line 22, after "all" insert "New Mexico-based  
commercial".
4. On page 9, line 23, strike "carriers" and insert in lieu

**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

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SCORC/SB 821

Page 23

thereof "carrier vehicles".

5. On page 10, line 18, strike "operated or moved as".

6. On page 10, line 21, strike "for" and insert in lieu thereof "while".

7. On page 10, line 25, after "to" strike the remainder of the line.

8. On page 11, strike lines 1 and 2, and insert in lieu thereof "register the vehicle pursuant to this section.".

9. On page 11, line 11, after "imprisonment" insert a period and strike the remainder of the line and strike all of lines 12 and 13.

10. On page 19, line 17, strike the brackets and line through "twenty-six" and strike the underscored "ten".,

**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

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SCORC/SB 821

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and thence referred to the FINANCE COMMITTEE.

Respectfully submitted,

\_\_\_\_\_  
Roman M. Maes, III, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 7 For 1 Against

Yes: 7

No: McKibben

Excused: Fidel, Robinson

Underscored material = new  
[bracketed material] = delete

**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

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Page 25

Absent: None

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**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

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**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

**March 15, 1997**

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

SENATE BILL 821, as amended

has had it under consideration and reports same with  
recommendation that it DO PASS.

Respectfully submitted,

**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

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SCORC/SB 821

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Ben D. Altamirano, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Aragon, Carraro, Ingle, McKibben, Smith

Absent: None

S0821FC1

Underscored material = new  
[bracketed material] = delete